IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. REV. No.465 of 2005
MD. WASIM
Versus
STATE OF BIHAR & ANR

11/ 31.7.2008 The present revision application has been brought under the heading "To Be Mentioned" at the instance of the petitioner.

Learned counsel for the petitioner is present. No body appears on behalf of opposite party no.2 on repeated calls though the names of the lawyers are appearing in the list.

By order dated 14.2.2006, this court had directed the petitioner to deposit a Bank draft of Rs.10,000/-(ten thousand) in the name of opposite party no.2 and that was the condition precedent for issuance of notice to opposite party no.2. It was meant for opposite party no.2 for her appearance in this case. Opposite party no.2 appeared and the present revision application has already been disposed of on 3.10.2007.

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Learned counsel for the petitioner submits that though this revision application has been disposed of but the amount of Bank draft deposited in the name of opposite party no.2 has not been handed over to her. He further submits that the Bank draft may be handed over to the petitioner so that he can get it revalidated and after revalidation, the same bank draft may be handed over to opposite party no.2.

On repeated calls, no one is appearing on behalf of opposite party no.2, Shahzadi Khatoon alias Rubi Khatoon.

Without expressing any opinion with regard to

the facts of the case, I direct the Registry to send the bank draft in the name of Shahzadi Khatoon, opposite party no.2, which is kept in safe custody of J.R.(J) of this court, to the court of Subdivisional Judicial Magistrate, Bettiah, West Champaran, in connection with Maintenance Case No. 26 of 2003 (Trial No. 852 of 2005) and on receipt of the same, the Subdivisional Judicial Magistrate, Bettiah will make endeavour to hand over the same to petitioner of the Maintenance case namely, Shahzadi Khatoon after getting it revalidated either through the process of the court or by the petitioner of this application namely, Md.Wasim.

Tahir/- **(Shyam Kishore Sharma, J.)**

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